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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
EASTERN DISTRICT OF CALIFORNIA

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9 RANJIT KAUR,) No. 1:07-CV-347 OWW NEW
10 Plaintiff,)
11 v.) STIPULATION TO TRANSFER VENUE
12 Michael Chertoff, Secretary of Homeland) OF ACTION TO NORTHERN DISTRICT
Security, et al.) OF CALIFORNIA AND ORDER
13 Defendants.) [28 U.S.C. § 1406(a)]
14 _____)
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16 This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of San Leandro,
17 California, alleges that she attended a naturalization examination on February 13, 2006, in
18 Fresno, California, but that her application remains unadjudicated.

19 Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination
20 120 days or more after the date of a naturalization examination, the applicant may apply to the
21 United States District Court for the district in which the applicant resides for a hearing on the
22 matter.

23 San Leandro, California is located in Alameda County, in the Northern District of
24 California. 28 U.S.C. § 84(a). Accordingly, venue for this action is proper in the Northern
25 District, but not in this District.

26 The parties to this action, by and through their attorneys, hereby stipulate and request of
27 the Court that this action should be transferred to the Northern District of California pursuant to
28 28 U.S.C. § 1406(a). Section 1406(a) provides:

The district court of a district in which is filed a case laying in venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Because venue is proper only in the Northern District, the parties believe that the interests of justice require that this action be transferred to the United States District Court for the Northern District of California.

In addition, the time for a response to the complaint has not yet run, and in view of the uncertainty as to when this action will be docketed and assigned to a judge in the Northern District of California, the parties further stipulate and request of the Court that the time for the Defendants to answer, move, plead or otherwise respond to the Complaint should be extended to 40 days after the date the action is docketed and assigned to a judge in the Northern District of California.

Respectfully submitted,

Dated: April 24, 2007.

McGREGOR W. SCOTT
United States Attorney

By: /s/ Audrey B. Hemesath
AUDREY B. HEMESATH
Assistant U.S. Attorney
Attorneys for Defendants

/s/ James M. Makasian
Attorney for Plaintiff

ORDER

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Northern District of California, the judicial district in which this case should have been brought. The time for Defendants to answer, move, plead or otherwise respond to the Plaintiff's Complaint shall be extended to 40 days after the action is docketed, and a judge assigned, in the Northern District of California. IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: April 27, 2007

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE